

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Terrance Schrammen,

Case No. 16-cv-2999 (WMW/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

ConAgra Foods Inc.,

Defendant.

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This matter is before the Court on the December 21, 2016 Report and Recommendation (“R&R”) of United States Magistrate Judge Steven E. Rau. (Dkt. 23.) Defendant ConAgra Foods Inc. (“ConAgra”) removed this case to this Court on the basis of diversity jurisdiction, and Plaintiff Terrance Schrammen filed two motions to remand.<sup>1</sup> (Dkts. 6, 19.) The R&R recommends denying Schrammen’s motions to remand because diversity jurisdiction exists. Schrammen filed objections to the R&R on January 3, 2017.<sup>2</sup> ConAgra did not file a response to Schrammen’s objections.

A district court reviews de novo any portion of a magistrate judge’s disposition of a case to which objections are properly filed. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P.

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<sup>1</sup> Schrammen’s second motion to remand appears to be his reply brief in response to ConAgra’s opposition to his first motion to remand.

<sup>2</sup> Schrammen filed a motion to strike on February 3, 2017. (Dkt. 27.) The Court construes this motion as an additional objection to the R&R because it asserts the same arguments as Schrammen’s January 3, 2017 objections to the R&R. Schrammen’s motion to strike also attaches a subpoena as an exhibit. Although an attorney as an officer of the court may issue and sign a subpoena, Schrammen is not permitted to do so as a pro se party. *See* Fed. R. Civ. P. 45(a)(3). Accordingly, Schrammen’s purported subpoena has no legal effect.

72(b)(3); LR 72.2(b)(3); *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). Schrammen's objections request that this Court review the proceedings before the magistrate judge and allege that ConAgra "conceal[ed] . . . the TRUTH." But Schrammen's objections to the R&R focus on the merits of the underlying lawsuit and do not address the basis for federal jurisdiction. It is clear from this Court's de novo review that ConAgra properly removed this matter. Complete diversity of citizenship exists between the parties, and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. § 1332(a), (c).

### **ORDER**

Based on the R&R, the foregoing analysis and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Schrammen's objections to the R&R, (Dkts. 24, 27), are **OVERRULED**;
2. The December 21, 2016 R&R, (Dkt. 23), is **ADOPTED**;
3. Schrammen's motions to remand, (Dkts. 6, 19), are **DENIED**.

Dated: February 8, 2017

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge